

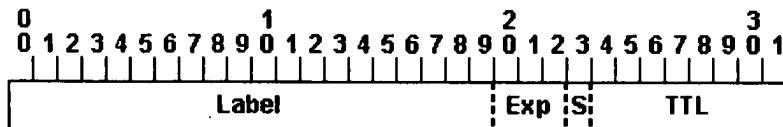
REMARKS

Claims 1-15 were examined and reported in the Office Action. Claims 1-15 are rejected. Claims 1, 8 and 11 are amended. Claims 1-15 remain.

Applicants request reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that Claims 1-7 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory matter. In response, Applicant has amended Claim 1 to include statutory subject matter. Accordingly, reconsideration and withdrawal of the rejection under 35 USC 101 to Claim 1 and Claims 2-7 which depend directly from Currently Amended Independent Claim 1, is respectfully requested.

Claims 1-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,856,991 issued to Srivastava ("Srivastava"). The Examiner asserts that Srivastava discloses a packet analyzing unit; determining whether a session label has been attached; and attaching a session label to a header of the received packet. The Examiner also asserts that an MPLS label is a *session label*. In response, Applicant notes that one skilled in MPLS, however, would know that a MPLS label is a short, fixed-length, locally-significant identifier which is used to identify a Forwarding Equivalence Class (FEC). The label which is put on a particular packet represents the FEC to which that packet is assigned. As shown below, Applicant has included the configuration of the label to assist the Examiner in understanding the difference between a session label and the top MPLS label as follows:



- **Label**—Label Value (Unstructured), 20 bits
- **Exp**—Experimental Use, 3 bits; currently used as a Class of Service (CoS) field.
- **S**—Bottom of Stack, 1 bit
- **TTL**—Time to Live, 8 bits

The label is imposed between the data link layer (Layer 2) header and network layer (Layer 3) header. The top of the label stack appears first in the packet, and the bottom appears last. The network layer packet immediately follows the last label in the label stack (i.e., the bottom label).



That is, Srivastava simply discloses the standard MPLS label, not an additional session label (see Applicant's Figure 8). Srivastava simply discloses basic functions of an MPLS edge label switch router (edge LSR).

Therefore, since Srivastava does not teach, disclose or suggest all of Applicant's amended claims 1 and 8 limitations, Applicant respectfully asserts that *a prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Srivastava. Thus, Applicant's amended claims 1 and 8 are not anticipated by Srivastava. Additionally, the claims that directly or indirectly depend on claims 1 and 8, namely claims 2-7, and 9-15, respectively, are also not anticipated by Srivastava for the same reason.

Applicant notes that Claims 1 and 8 have been further amended for clarification purposes. Claim 11 has also been further amended removing the limitation "the step of."

Accordingly, reconsideration and withdrawal of the rejection of Claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,856,991 issued to Srivastava, is respectfully requested.

In view of the foregoing, Applicant submits that the claims pending for examination, namely Claims 1-15 are now in condition for allowance, which early action is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

1/30/08

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail, With Sufficient Postage, In An Envelope Addressed To: Mail Stop Amendments, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Linda Marie Metz 1-30-08
Linda Marie Metz January 30, 2008